

REMARKS

Claims 10 and 12 have been rejected by the Examiner. Claim 10 has been amended to further specify and clarify the apparatus and its function. Claims 10 and 12 are pending. No new matter has been added by way of the amendment herein above.

Rejection under 35 U.S.C. §112:

The Examiner rejected claims 10 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner is concerned with the recited method step within the apparatus claim.

Applicant has amended claim 10 to replace the method-type language “wherein both embossing and blister formation are both accomplished within a single pass of pin advancement onto said film” with the phrase “wherein said apparatus is structured to accomplish both embossing and blister formation within a single pass of pin advancement onto said film.” Thus, the claim now only recites structural-functional language. The Examiner’s concern has been fully addressed, and this rejection should be withdrawn.

Rejection under 35 U.S.C. §103:

The Examiner has reapplied the rejection of claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Zeiter U.S. Patent No. 6,269,671 in view of Hoffman U.S. 3,685,338. Applicant respectfully traverses this rejection for the following reasons.

The Examiner argues that Zeiter ‘671 teaches several features of Applicant’s invention, but fails to disclose the pin having a concave surface, peripheral edge and indicia thereon. The Examiner relies upon Hoffman for a teaching of a stamp with a concave surface. The

examiner concludes that one of ordinary skill in the art would have found a modification of Zeiter '671 to incorporate a concave surface with a peripheral edge and indicia to have been obvious to form an embossed product.

Applicant's apparatus is specifically constructed to simultaneously create the blister and emboss its base in a single step as a result of a single advancement of the pin ("single pass process". Support for this can be found in page 3 of the specification, for example. The structural features responsible for this phenomenon are set forth in the pending claims.

As to the apparatus taught in Zeiter et al. '671, Applicant's invention is an improvement over manufacturing apparatuses such as Zeiter '671. Applicant has discovered that the controllable stretching phenomenon of plastic films, the preservation of film layer integrity, the enhancement of more evenly distributed stretching, and physically embossing indicia can simultaneously be accomplished in a single pass process when the apparatus includes the claimed concave pin face having a peripheral edge - in addition to the frusto-conical regions about the end of the pin such as that described in Zeiter '671. The Examiner is correct in that this structural feature and its associated advantages of the invention are absent from Zeiter '671.

However, one of ordinary skill in the art would *not* have found these features and associated advantages in the apparatus described in Hoffman. Applicant's invention is an apparatus for forming embossed blisters and blister packs from laminated plastic film. Applicant has amended independent claim 10 to clarify the film material relevant to the invention. To begin with, Hoffman pertains to the sheet metal industry as a context, and secondly is directed to the creation of a hem in metallic lids in the canning industry, for example. The apparatus of Hoffman is not a pin but a plate that includes raised regions and depressions for forming metals. The Hoffman apparatus does forms hemmed lids – it does not

form blisters. The Hoffman apparatus is simply not relevant to the field of Applicant invention (or Zeiter's invention, for that matter). Furthermore, one of ordinary skill in the art would not view Hoffman sheet metal technology as being applicable or adoptable into an apparatus functioning to stretch plastic films. Clearly, no reasonable motivation to combine these references can be seen.

To further distinguish the relevant context of Applicant's claimed invention, claim 10 has been amended to specify that the claimed invention is a pharmaceutical packaging apparatus. The Hoffman references applied by the Examiner is clearly irrelevant to one of ordinary skill in the art of the claimed invention.

The Examiner further argues that Hoffman is "analogous" art because it discloses a stamping tool for shaping sheet metal blanks, and further alleges that Zeiter "recognizes that the same stamping apparatus could be used for drawing thermoplastic or metal foils." Clearly the Examiner has fabricated a technological link between the actual Zeiter and Hoffman technologies. The background text in Zeiter cited by the Examiner is a metal plastic laminate as it pertains to packaging, i.e., blister packs.

The Examiner has apparently misinterprets the cold-forming laminated plastic film and metal foil technology used in pharmaceutical packaging mentioned in Zeiter, with the unrelated non-analogous metalworking with sheet metal technology to form hemmed lids. Even a cursory glance at Hoffman would not be viewed by one of ordinary skill in the art *relevant to Applicant's invention* as being either logically or technologically relevant.

Contrary to the Examiner's belief, the Hoffman reference is clearly not in the field of Applicant's endeavor – nor is it reasonably pertinent to the problem of concern to the claimed invention. In any case, Applicant has amended claim 10 to clarify the subject matter of the claimed invention, i.e., that it is a pharmaceutical packaging apparatus.

For these reasons in addition to those presented previously by Applicant, the Examiner has failed to present a combination of references that, alone or in combination, fairly teach or suggest Applicant's invention. Thus, the Examiner has failed to present references that can properly or adequately support a rejection based on obviousness grounds.

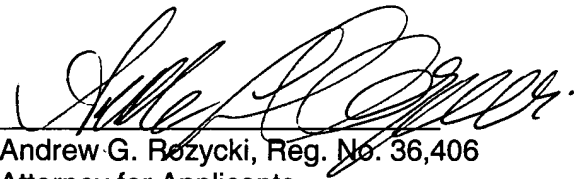
Given the above teachings, the claimed invention is not unpatentable over the Zeiter '671 and Hoffman references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

Conclusion:

In light of the above amendments and the accompanying remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

Respectfully submitted,

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